

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE  
S/S Nicholson Road, 720' SE of  
the c/l of Riverside Road  
(1/2 Nicholson Road)  
19th Election District  
5th Councilmanic District  
Thomas P. Ogle, Sr., et ux  
Petitioners

• ZONING COMMISSIONER  
• OF BALTIMORE COUNTY  
• Case No. 91-437-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 22 feet in lieu of the minimum required 25 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. However, said property is located within the Chesapeake Bay Critical Areas near Northeast Creek and must comply with any recommendations submitted by the Department of Environmental Protection and Resource Management (DEPRM) upon completion of their findings. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to Section 22-11(d) of the Baltimore County Code, Petitioner has also submitted a resolution from the Baltimore County Council which indicates that the filing of the subject variance does not contravene the public welfare and is therefore authorized.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of June, 1991 that the Petition for Residential Variance to permit a front yard setback of 22 feet in lieu of the minimum required 25 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with all Critical Areas requirements as may be recommended by the Department of Environmental Protection and Resource Management upon completion of their findings.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING  
Date 6/27/91  
By [Signature]

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 203.1 to permit a 22' front yard setback in lieu of the

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty)

Bedroom is small and additional space is needed. Closet space in home is very limited and additional space could effect selling value in future. Would bring in line average requirements of R/W set-back.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s)

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

Thomas P. Ogle, Sr.

(Type or Print Name)

Signature

Address

City/State/Zip Code

325 Nicholson Road

Baltimore, Maryland 21221

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Signature

Address

City/State/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be posted on the property on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_.



ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

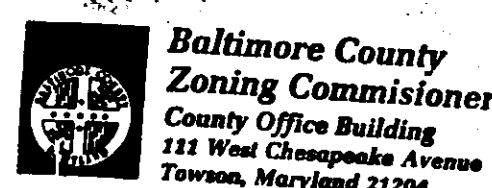
Date

By

#### ZONING DESCRIPTIONS

91-437-A

Beginning at a point on the 300' side of Nicholson Road which is 50' wide at the distance of 720' south of the centerline of the nearest improved intersecting street, Riverside Road, which is 50' wide. Being lot #33, section E in the subdivision of Bank River Highlands as recorded in Baltimore County Plat Book W.P.C. # 4, folio # 64 containing 10,000 ± square feet. Also known as 325 Nicholson Road and located in the 19th Election District.



Account R-001-6150  
Number

#### CRITICAL AREA

49100.25

Public Hearing Fees

91Y

PRICE

CRITICAL AREA VARIANCE (FEL)

1 X

\$25.00

CRITICAL AREA POSTING SIGNS

ADVERTISING 1 X

\$25.00

LAST NAME OF OWNER: OGLE

TOTAL:

\$60.00

Please Make Checks Payable To: Baltimore County  
BA 100934AM05-09-91

receipt



Front of dwelling



Front of dwelling

PETITIONER'S EXHIBIT #

## AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-437-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently reside at 325 Nicholson Road  
Baltimore, Maryland 21221  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

Bedroom is small and additional space is needed. Closet space in home is very limited and additional space could effect selling value in future. Would bring in line average requirements of R/W set-back.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*[Signature]*  
AFFIANT (Handwritten Signature)

*Thomas P. Ogle, Sr.*  
AFFIANT (Printed Name)

*[Signature]*  
AFFIANT (Handwritten Signature)

*Thomas P. Ogle, Sr.*  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared \_\_\_\_\_

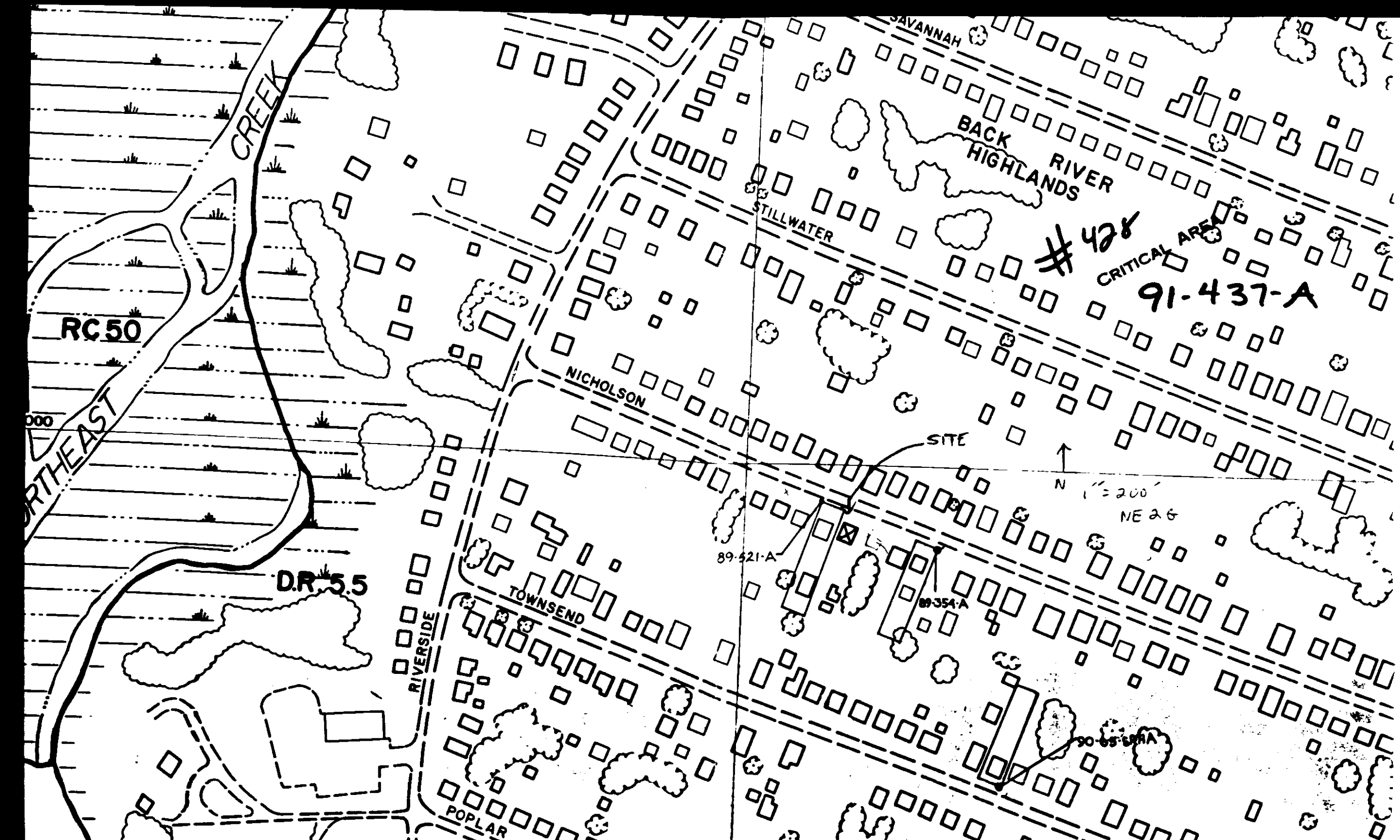
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

*[Signature]*  
DATE

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_





111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 27, 1991

Mr. & Mrs. Thomas P. Ogle, Sr.  
325 Nicholson Road  
Baltimore, Maryland 21221

RE: PETITION FOR RESIDENTIAL VARIANCE  
S/S Nicholson Road, 720' SE of the c/l of Riverside Road  
(325 Nicholson Road)  
15th Election District - 5th Councilmanic District  
Thomas P. Ogle, Sr., et ux - Petitioners  
Case No. 91-437-A

Dear Mr. & Mrs. Ogle:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Chesapeake Bay Critical Areas Commission  
Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

91-437-A

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: July 22, 1991

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 428  
Ogle Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 325 Nicholson Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. Thomas Ogle, Sr.

APPLICANT PROPOSAL

The applicant has requested a variance from section 303.1 of the Baltimore County Zoning Regulations to permit "a 22 foot front yard depth in lieu of the minimum 25 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

ZONING

Memo to Mr. J. Robert Haines  
July 22, 1991  
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: This property is located approximately 1000 feet from the tidal waters of Back River. Therefore, no disturbance of the shoreline buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-216>

Finding: The applicant agrees that to comply with the above regulation rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

JJD:DCF:ju

Attachment

cc: The Honorable Vincent Gardina  
The Honorable Donald Mason  
Mr. Ronald B. Hickernell

*J. James Dieter*  
J. James Dieter, Director



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 11, 1991

Mr. & Mrs. Thomas P. Ogle, Sr.  
325 Nicholson Road  
Baltimore, MD 21221

RE: Item No. 428, Case No. 91-437-A  
Petitioner: Thomas P. Ogle, Sr.  
Petition for Residential Variance

Dear Mr. & Mrs. Ogle:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 9th day of May, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman  
Zoning Plans Advisory Committee

Petitioner: Thomas P. Ogle, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: June 3, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: James D. Lamont, Item No. 424  
Elwood L. Ulmer, Item No. 426  
Thomas P. Ogle, Sr., Item No. 428 ✓  
Leslie J. Polt, Item No. 430

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMVAR/ZAC1

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: May 30, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 21, 1991

This office has no comments for items number 424, 425, 426, 428 and 430.

*Rahee J. Famill*  
Rahee J. Famill  
Traffic Engineer II

RJF/lvd



700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(410) 887-4500

MAY 21, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: THOMAS P. OGLE

Location: #325 NICHOLSON ROAD

Item No.: 428 Zoning Agenda: MAY 21, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. J. J. Kelly* Noted and Approved  
Planning Group  
Special Inspection Division  
Fire Prevention Bureau

JK/REK



RECEIVED  
JUN 11 1991  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 7, 1991  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for May 21, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 424, 425, 426, 428 and 430.

For Item 429, a County Review Group Meeting may be required.

Robert W. Bowling  
Robert W. Bowling, P.E., Chief,  
Developers Engineering Division

RWB:s

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
June 19, 1991

887-3353

Mr. & Mrs. Thomas P. Ogle, Sr.  
325 Nicholson Road  
Baltimore, Maryland 21221

RE: PETITION FOR RESIDENTIAL VARIANCE  
S/S Nicholson Road, 720' SE of the c/l of Riverside Road  
(125 Nicholson Road)  
15th Election District - 5th Councilmanic District  
Thomas P. Ogle, Sr., et ux - Petitioners  
Case No. 91-437-A

Dear Mr. & Mrs. Ogle:

Please be advised that pursuant to Section 22-11(e) of the Baltimore County Code, all County employees requesting zoning relief must first obtain a County Council resolution prior to the matter being considered by the hearing officer.

Therefore, the subject matter will be continued until July 15, 1991 to afford you time to obtain the required documentation. In the event the appropriate resolution is not forthcoming at that time, the above-captioned matter will be dismissed.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Case File

CASE 91-437-A  
COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
LEGISLATIVE SESSION 1991, LEGISLATIVE DAY NO. 10  
RESOLUTION NO. 29-91

MR. VINCENT J. GARDINA, COUNCILMAN

BY THE COUNTY COUNCIL, May 20, 1991

A RESOLUTION concerning the public disclosure of Thomas Ogle, an employee of the Baltimore County Department of Public Works.

WHEREAS, Thomas Ogle intends to file a request for a zoning variance for the construction of an addition on his existing home located in the Fifth Councilmanic District of Baltimore County; and

WHEREAS, this Resolution is intended to provide full public disclosure of his interest in the proceeding before the Zoning Commissioner under Section 22-11(d) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland that the filing of a zoning variance and related requests in connection therewith by Thomas Ogle does not contravene the public welfare and is hereby authorized.

RECEIVED  
JUN 14 1991  
ZONING OFFICE

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th  
Posted for: Variance  
Petitioner: Thomas P. Ogle, Sr. et ux  
Location of property: S/S Nicholson Rd., 720' SE of Riverside Rd.  
Location of Sign: S/S Nicholson Rd., 720' SE of Riverside Rd.  
Remarks: On property of Petitioner.  
Posted by: M. Haines  
Number of Signs: 1  
Date of return: 7/24/91

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
May 23, 1991

887-3353

Mr. & Mrs. Thomas P. Ogle, Sr.  
325 Nicholson Road  
Baltimore, Maryland 21221

Re: CASE NUMBER: 91-437-A  
LOCATION: S/S Nicholson Road, 720' SE of c/l Riverside Road  
325 Nicholson Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 29, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 13, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

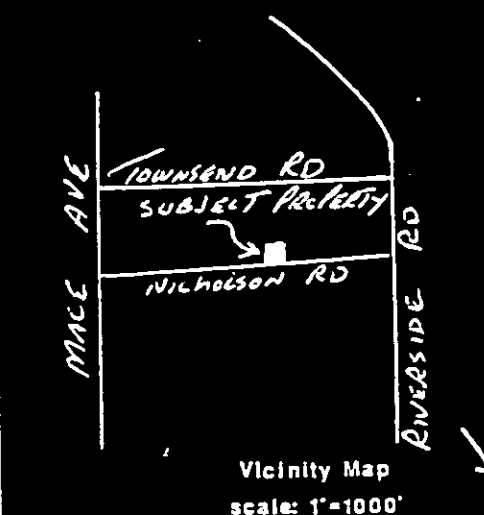
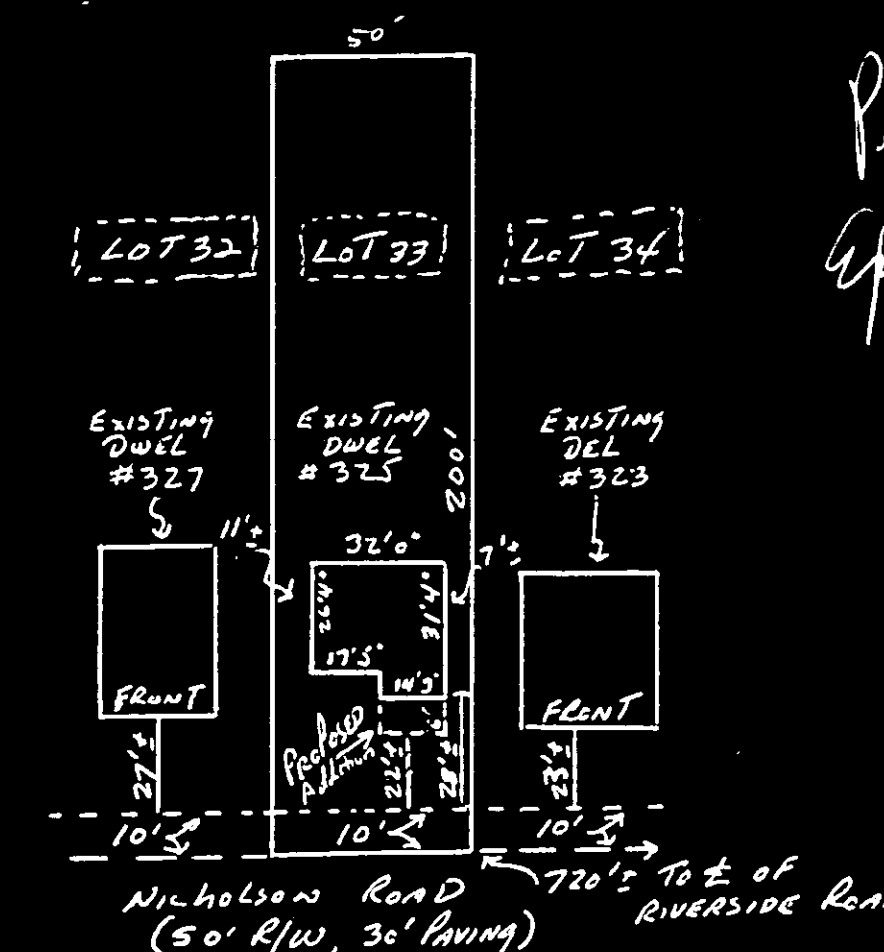
G. G. Stephens  
(301) 887-3391

Plat to accompany Petition for Zoning Variance ☒ Special Hearing

PROPERTY ADDRESS: 325 Nicholson Rd

Subdivision name: Rock River Highlands  
plat book # 4, folio # 33, section # 6

OWNER: Thomas P. & Kathleen M. Ogle



LOCATION INFORMATION

Councilmanic District: 5th

Election District: 15th

1"=200' scale map: NE 26

Zoning: DR 5.5

Lot size: 1239 square feet

acreage square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: None

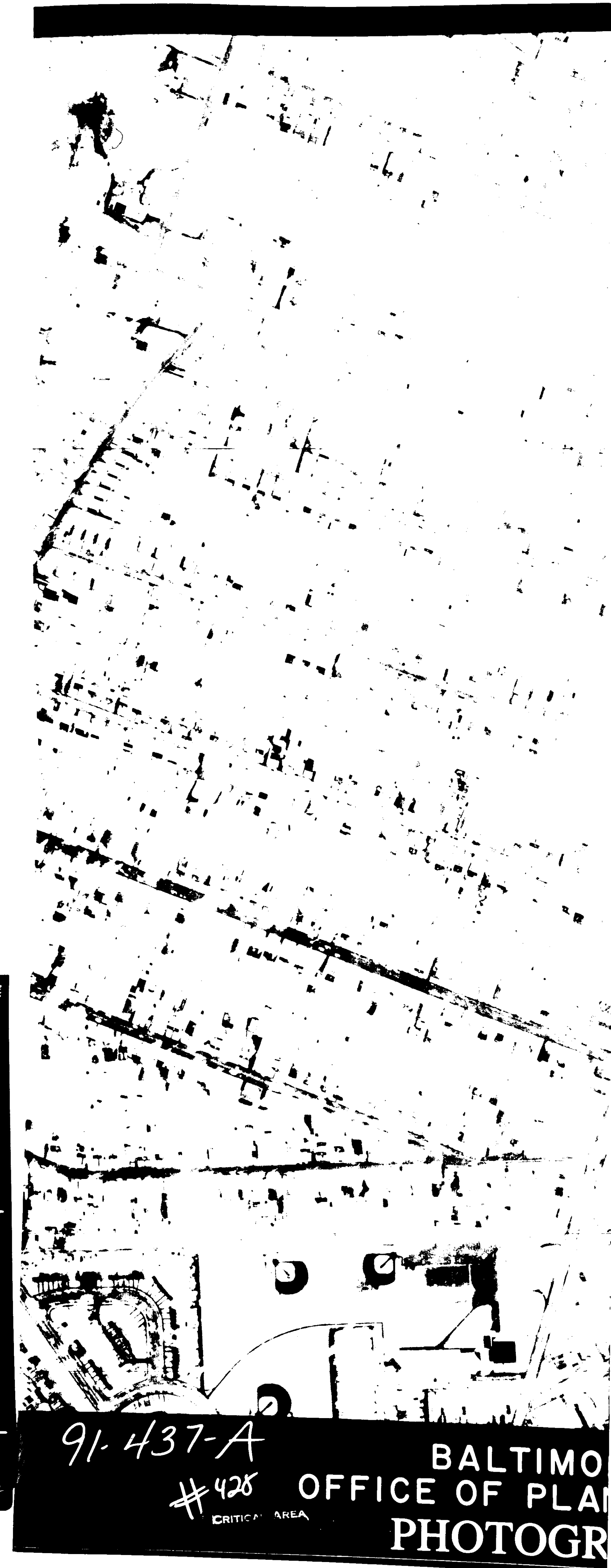
Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

428 CRITICAL AREA

date: 5/24/91  
prepared by: TPO

Scale of Drawing: 1"= 50'



BALTIMORE  
OFFICE OF PLANNING  
PHOTOGRAPH